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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,734	09/17/2003	Toukichi Ichige	4495-053	2656

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EXAMINER

GORMAN, DARREN W

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,734	ICHIGE, TOUKICHI	
	Examiner	Art Unit	
	Darren W Gorman	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 2,4 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species Group VII in the reply filed on December 15, 2004 is acknowledged.
2. Claims 2, 4, and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 15, 2004.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The listing/discussion of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

5. The drawings are objected to for multiple reasons, as specified below.

- In numerous instances throughout the drawings, reference numbers appear on the pages randomly. In many cases, the numbers include lead lines, which point to nothing. For example, in Figure 2, reference number “2” appears twice, and in both instances, the corresponding lead lines point to nothing but the empty space around the actual drawing. This above example is NOT to be construed as an exhaustive list of all such instances, as there are many. Applicant must thoroughly review all of the drawings and make amendments wherever appropriate. See 37 CFR 1.84 (q)-(r)
- In numerous instances, reference numbers appear twice in the same drawing. For example, reference number “3” appears twice in Figure 1. Although it is not clear what reference number “3” is referring to in either instance, because both reference characters have seemingly random lead lines, the same reference character must never be used to designate different parts. This above example is NOT to be construed as an exhaustive list of all such instances. Applicant must thoroughly review all of the drawings and make amendments wherever appropriate. See 37 CFR 1.84 (p)
- In numerous instances, reference numbers appear to designate parts that are not consistent with the specification. For example, lead lines for reference number “2a”, which is supposed to designate the “water-releasing face” of the apparatus, appear to point to many different, seemingly random places in different

drawings. In Figure 1, “2a” appears to designate an axis line. In Figure 2, “2a” appears to designate nothing. In Figure 4A, “2a” appears to designate an inlet to a showerhead. In Figures 4B and 6B, “2a” appears to point generally to the showerhead. In Figure 7B, “2a” appears to point to a random portion of the shower handle. In figure 8B, “2a” appears to point to a random outer point of the shower handle. This above example is NOT to be construed as an exhaustive list of all such instances, since there are multiple instances where reference numbers appear to be used inconsistently in view of the specification. Applicant must thoroughly review all of the drawings and make amendments wherever appropriate. See 37 CFR 1.84 (p)

- In Figure 2, two separate Figures are shown in the same view. When a portion of a view is enlarged for magnification purposes, the view and the enlarged view must each be labeled as separate views. See 37 CFR 1.84 (h)(2).
- Regarding Figures 6A and 12A, when an exploded view is shown in a figure which is on the same sheet as another figure, the exploded view should be placed in brackets. See 37 CFR 1.84 (h)(1)

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:
- Claim numbers are specifically referenced on pages 3 and 4 of the specification. Specific reference to claim numbers in the specification should be avoided since the actual scope of the individual claims may change during prosecution of the application prior to issue and publication of a patent granted from the application.
 - On page 6 of the specification, under the "Brief Description of the Drawings", there is a description of a "Figure 12", however although a "Figure 12A" and a "Figure 12B" were submitted, which are subsequently described on page 6 of the specification, no "Figure 12" was submitted with the application papers. Further, on page 16, lines 4-6 of the specification, "Figure 12" is further discussed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claim 6 recites the broad recitation "facets", and the claim also recites "like a diamond", which is the narrower statement of the range/limitation. Since faceted objects are not always diamonds, "like a diamond" is a narrower recitation of the broader range.

For the purpose of this office action, claim 6 will be examined as best understood by the examiner.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas, USPN 6,599,428, in view of Douglas, US Patent Application Publication No. 2002/0063089.

Douglas ('428) shows a water-activating shower apparatus comprising: a water-introduction pipe (20) (see Figure 1); a water-supply pipe (12) (see Figure 1); a faceted accommodation chamber (10) installed between the water-introduction pipe and the water-supply pipe, the accommodation chamber including a connecting portion with male and female screws (see Figure 3; and column 3, lines 23-25) and nets (26, 28) (see Figure 4; and column 3, lines 1-6); and an activated-water generating part (11) in the form of a shower filter cartridge being held within the accommodation chamber, the activated-water generating part being attached to a showerhead (13) via a pipe-connecting part (30, 12) (see Figures 1-3).

However, Douglas ('428) teaches filling the activated-water generating part with granular activated carbon (38) and/or granular copper media (34) and does not expressly disclose filling the activated-water generating part with a "large number" of ceramic materials that radiate far-infrared rays. Further Douglas ('428) does not expressly disclose the faceted accommodation chamber to be made of a transparent member.

Douglas ('089) teaches several embodiments (see Figures 1-3) of activated-water generating filters, each of which include at least one region containing a large number of ceramic materials (12) that radiate far-infrared rays. Douglas ('089) further discloses that using a filter containing far-infrared radiating ceramic materials as a shower filter cartridge, results in an improved chlorine reduction capability over shower filters without such far-infrared radiating ceramic materials (see paragraphs [0022] through [0041]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the shower filter cartridge taught by Douglas ('089) for the shower filter cartridge shown by Douglas ('428), in order to improve chlorine reduction of shower water.

Regarding the recitation that the accommodation chamber is made of a transparent member, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the accommodation chamber of Douglas ('428) from a transparent member, since the Examiner takes Official Notice that the use of transparent material for forming the accommodation chamber in lieu of the material(s) used in the Douglas ('428) reference solves no stated problem and would be an obvious matter of design choice within the skill in the art. *In re Kuhle*, 188 USPQ 7 (CCPA 1975).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents to Robinson, Parise et al., Naito, Hughes, Hughes et al., Wey, and Koike,

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and a printout from an internet retailer selling "FIR" (Far-Infrared) shower filters (copyright – 2001), are cited as of interest.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 571-272-4901.

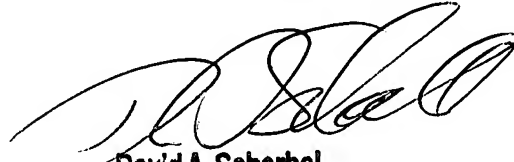
The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4901. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DWG 1/13/05
DWG
January 13, 2005

Darren W Gorman
Examiner
Art Unit 3752



David A. Scherbel
Supervisory Patent Examiner
Group 3700